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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,413	06/07/2001	David sevak	GGD-104	7296

7590 05/27/2004

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EXAMINER

NGUYEN, LAM S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,413

Applicant(s)

SEVACK ET AL.

Examiner

LAM S NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandellos (US 5861633) in view of Abramson (US 5049725).

Referring to claims 1, 9:

Mandellos discloses an ultra-violet lamp and reflector/shield assembly for a ventilation system (column 10, lines 25-33), comprising:

an extruded one-piece reflector/shield (column 1, lines 51-61: "reflector surfaces formed either integrally on an extruded aluminum housing") provided with a generally parabolic inner surface and a generally convex outer surface (FIG. 15, elements 12, 18a-b, 86a-b); and

an ultra-violet lamp so mounted to said extruded one-piece reflector/shield that said inner surface of said reflector/shield reflects a portion of ultra-violet radiation emitted by said lamp (FIG. 15 and column 8, line 42-43: a UV lamp indicated in phantom at 82).

Mandellos does not disclose at least two ultra-violet lamp assemblies mounted to a support and wherein said outer surface of said reflector/shield deflects air away from said ultraviolet lamp.

Abramson discloses a radiant heating structure having plurality of ultra-violet lamp assemblies (FIG. 8), each has a housing containing an ultra-violet lamp (FIG. 3, element 16) and a reflector (FIG. 3, element 20), wherein the outer surface of the reflector deflects air away from said ultraviolet lamp (FIG. 3 and column 4, lines 45-55).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the assembly disclosed by Mandellos such that the outer surface of the reflector deflects air away from the ultraviolet lamp as disclosed by Abramson. The motivation of doing so is to "markedly reduce the temperature of reflectors 20 from what it would otherwise be in those situation in which too high a temperature thereat might otherwise occur" as taught by Abramson (column 4, lines 55-60).

Mandellos also discloses the following claimed invention:

Referring to claim 2: wherein said extruded one-piece reflector/shield is made of a material that reflects ultra-violet radiation (column 1, line 57-61: quartz or aluminum reflector surfaces).

Referring to claim 3: wherein said material includes aluminum (column 1, line 57-61: quartz or aluminum reflector surfaces).

2. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandellos (US 5861633) in view of Abramson (US 5049725), as applied to claim 1, and further in view of Funomoto et al. (US 6108060).

Mandellos, as modified, discloses the claimed invention as discussed above and also discloses wherein each longitudinal reflector/shield portion is made of a material that reflects ultra-violet radiation and wherein said material includes aluminum (column 1, line 57-61: quartz

or aluminum reflector surfaces) (**Referring to claims 6-7**). However, Mandellos, as modified, does not disclose wherein said extruded one-piece reflector/shield is generally L-shaped and wherein said ultra-violet lamp is also L-shaped (**Referring to claim 4**) and wherein said generally L-shaped extruded one-piece reflector/shield is made of two extruded longitudinal reflector/shield portions joined at 45 degrees (**Referring to claim 5**).

Funomoto et al. disclose a device having reflector/shield generally in L-shaped (FIG. 4, elements 23a-b) and a L-shaped lamp (FIG. 4, element 22) and wherein the generally L-shaped reflector/shield is made of two longitudinal reflector/shield portions joined at 45 degrees (FIG. 4, elements 23a-b) for providing the same intensity of light energy to an object (column 4, line 40-43).

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the apparatus disclosed by Mandellos, as modified, such that the reflector/shield and the lamp are in L-shaped as disclosed by Funomoto et al. The motivation of doing so is to provide the same intensity of light energy to an object as taught by Funomoto et al. (column 4, line 40-43).

3. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandellos (US 5861633) in view of Abramson (US 5049725), as applied to claims 1 and 9, and further in view of Lumpp (US 4596935).

Mandellos, as modified, discloses the claimed invention as discussed above and an external clip to mount the ultra-violet lamp assembly to a support (FIG. 15, elements 34, 34a-b). However, Mandellos does not disclose wherein said extruded one-piece reflector/shield includes at least one internal clip to mount the ultra-violet lamp.

Lumpp discloses an ultraviolet radiation having a reflector structure (FIG. 15, element 75-76) containing a quartz tube (FIG. 15, element 83) and clips (FIG. 17, element 84) to mount the quartz tube thereto.

Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to modify the assembly disclosed by Mandellos, as modified, such that including the internal clips into the reflector/shield to mount the ultraviolet lamps as disclosed by Lumpp. The motivation of doing so is obtain the advantages of the snap-action engagement of a resilient fastening clip as taught by Lumpp (column 3, lines 2-6).

Response to Arguments

Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (571)272-2151.

The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
May 20, 2004



HAI PHAM
PRIMARY EXAMINER